

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**STEVEN MOODY, ET AL.,**

**Plaintiffs,**

**v.**

**BRYAN COLLIER, ET AL.,**

**Defendants.**

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**Case No. 6:19-CV-56-JDK-KNM**

**ORDER ADOPTING REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

This case was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636. On May 17, 2019, the Magistrate Judge issued a Report and Recommendation (Docket No. 23), recommending that all Plaintiffs, except for Plaintiff Steven Moody, be dismissed from the case without prejudice for failure to comply and respond to the Court's Order. Return receipts indicating delivery to all Plaintiffs, except for Plaintiff Galvin Rice, were received by the Clerk. Docket Nos. 25–28, 30–34.


This Court reviews the findings and conclusions of the Magistrate Judge *de novo* only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a *de novo* review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days). Here, Plaintiffs did not file objections in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews her legal conclusions to determine whether they

are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and Recommendations, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. The Court therefore adopts the Report and Recommendation of the United States Magistrate Judge (Docket No. 23) as the findings of this Court.

Accordingly, it is hereby **ORDERED** that the Magistrate Judge's Report (Docket No. 23) be **ADOPTED** and that the claims of the Plaintiffs Jeffery Hill, Dennis Wheeler, James White, Derrick Walker, Frank Nickolus, James Woods, Galvin Rice, Arthur Miller, and Bruce Raab are **DISMISSED WITHOUT PREJUDICE** for failure to prosecute or to obey an order of the Court. The dismissal of these claims and parties shall have no effect upon the claims of the Plaintiff Steven Moody, who is the only remaining Plaintiff in the case.

So **ORDERED** and **SIGNED** this **8th** day of **August, 2019**.

  
JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE